

ENTERED

October 25, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

VS.

LUIS MANUEL MAGALLON-
CONTRERAS

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CRIMINAL ACTION NO. 2:18-CR-735

OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE

On October 23, 2018, Defendant moved for a continuance of the final pretrial conference and jury selection and trial because the Defendant, a permanent resident alien, was attempting to adjust his status before he was convicted (D.E. 20). The United States and material witness counsel were unopposed to the motion, as long as the Defendant stated his intention to plead guilty and stipulated to the facts necessary to obtain the conviction, which would result in the release of material witnesses.


Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial, and the period of the continuance is excluded from speedy trial computation.

The Court **GRANTS** the Defendant's motion and **CONTINUES** the final pretrial conference until **November 28, 2018, at 10:00 a.m.** before undersigned and schedules the jury selection and trial for **December 10, 2018, at 9:00 a.m.** before Hon. Nelva Gonzales Ramos.

ORDERED this 25th day of October, 2018.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE